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*Attorneys for Plaintiff*  
MICHELLE MCKENNA

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MICHELLE MCKENNA,

Plaintiff,

Case No. 2:14-cv-01773-JAD-CWH

vs.

DAVID Z. CHESNOFF, CHTD. P.C. d/b/a  
CHESNOFF & SCHONFELD; DAVID Z.  
CHESNOFF; and RICHARD A. SCHONFELD,

Defendants.

**MOTION FOR LEAVE TO FILE UNDER SEAL PLAINTIFF  
MICHELLE MCKENNA'S OPPOSITION TO DEFENDANT  
DAVID Z. CHESNOFF, CHTD. P.C. D/B/A CHESNOFF &  
SCHONFELD'S MOTION TO COMPEL INDEPENDENT  
MEDICAL EXAM OF PLAINTIFF MICHELLE MCKENNA**

Pursuant to Rule 5.2 of the Federal Rules of Civil Procedure and Local Rule 10-5, Plaintiff Michelle McKenna moves this Court for an Order permitting her to file under seal Plaintiff Michelle McKenna's Opposition to Defendant David Z. Chesnoff, Chtd. P.C. d/b/a Chesnoff & Schonfeld's Motion to Compel Independent Medical Exam of Plaintiff Michelle McKenna [ECF No. 53] ("Opposition"). Ms. McKenna makes this request because the Opposition and its accompanying exhibits consist of evidence that is subject to a stipulated protective order entered by the Court.

1 (ECF No. 18.) Pursuant to section III.D of the Protective Order, a party wishing to submit  
2 confidential information to the Court must seek leave to file the information under seal. For these  
3 reasons, Plaintiff requests leave of the court to file her Opposition and accompanying exhibits under  
4 seal.

5 This motion is based on the following Memorandum of Points and Authorities and the  
6 pleadings and papers on file in this case.

7  
8 DATED this 22nd day of August, 2016.

9 BAILEY ♦ KENNEDY

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11 By: /s/ Kelly B. Stout  
12 DENNIS L. KENNEDY  
13 SARAH E. HARMON  
14 KELLY B. STOUT  
15 AMANDA L. STEVENS

16  
17 *Attorneys for Plaintiff*  
18 MICHELLE MCKENNA  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

Pursuant to Federal Rule of Civil Procedure 5.2(d), “[t]he court may order that a filing be made under seal without redaction.” “[A]lthough the common law right creates a strong presumption in favor of access, the presumption can be overcome by sufficiently important countervailing interests.” *San Jose Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1102 (9th Cir. 1999). Thus, a party seeking to seal a judicial document must “articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citations omitted) (internal quotation marks omitted).

Here, the Court has granted the Parties’ Stipulated Confidentiality Agreement and Proposed Protective Order [ECF No. 18] to protect the Parties’ confidential, proprietary, financial, or otherwise sensitive or privileged information. The Opposition and its accompanying exhibits contain Ms. McKenna’s medical records and/or health information and therefore are properly kept confidential. Accordingly, a compelling reason exists to seal the Opposition and its accompanying exhibits, and the public’s interest in the access to judicial documents is outweighed by Ms. McKenna’s privacy right in her confidential medical information.

Based on the foregoing, Ms. McKenna respectfully requests that this Court permit the Opposition and its accompanying exhibits to be filed under seal.

DATED this 22nd day of August, 2016.

BAILEY ♦ KENNEDY

By: /s/ Attorney Name  
DENNIS L. KENNEDY  
SARAH E. HARMON  
KELLY B. STOUT  
AMANDA L. STEVENS

*Attorneys for Plaintiff*  
MICHELLE MCKENNA

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 22nd day of August, 2016, service of the foregoing **MOTION FOR LEAVE TO FILE UNDER SEAL PLAINTIFF MICHELLE MCKENNA'S OPPOSITION TO DEFENDANT DAVID Z. CHESNOFF, CHTD. P.C. D/B/A CHESNOFF & SCHONFELD'S MOTION TO COMPEL INDEPENDENT MEDICAL EXAM OF PLAINTIFF MICHELLE MCKENNA** was made by mandatory electronic service through the United States District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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/s/ Josephine Baltazar  
Employee of BAILEY ♦ KENNEDY